

SENATE BILL 1470

By Haun

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18; Title 55, Chapter 24 and Title 66, Chapter 19, relative to automobile repairs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following new section:

47-18-126.

(a) Except as provided in subsection (c), before beginning any repair work on a motor vehicle, an automotive repair facility shall give the consumer for whom the repairs are to be done a copy of a form used for authorization of repairs which shall inform the consumer of the following rights:

(1) That a consumer:

(A) May request a written estimate for repairs that cost in excess of fifty dollars (\$50.00); and

(B) May not be charged any amount ten percent (10%) in excess of the written estimate without the consumer's consent;

(2) That a consumer is entitled to the return of any replaced parts except when parts are required to be returned to the manufacturer under a warranty agreement; and

(3) That repairs not originally authorized by the consumer may not be charged to the consumer without the consumer's consent.

(b) The consumer's rights provided in subsection (a) shall be:

(1) Displayed immediately before the space for the signature of the consumer conspicuously in easily readable type;

(2) Physically separated from the other terms of the form used for authorization of repairs; and

(3) Listed under the printed heading "Consumer's Rights".

(c)

(1) An automotive repair facility may inform the consumer orally of the consumer's rights if:

(A) The consumer's motor vehicle is towed to the automotive repair facility for repair; or

(B) The consumer leaves the vehicle for repair at the repair facility when the facility is not open.

(2) If any automotive repair facility informs a consumer orally of the consumer's rights, the facility shall record in writing:

(A) The name of the persons notified;

(B) The date and time of the notification; and

(C) The signature of the person who made the notification.

(d) Failure by an automotive repair facility to comply with the requirements of this section shall constitute an unfair or deceptive act or practice in violation of this part, and shall subject such facility to all penalties and

remedies provided in this part, in addition to any other remedies that may be available at law or in equity.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.